

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

DUKE ENERGY CAROLINAS, LLC,

Plaintiff,

v.

NTE CAROLINAS II, LLC, NTE  
CAROLINAS II HOLDINGS, LLC, and NTE  
ENERGY, LLC,

Defendant.

Civil Action No. 3:19-cv-515-KDB-DSC

**THE DUKE ENERGY PARTIES’  
MOTION TO SEAL AN EXHIBIT  
REFERENCED IN CONNECTION WITH  
THEIR MEMORANDUM IN SUPPORT  
OF THEIR OBJECTION AND MOTION  
FOR RECONSIDERATION OF THE  
ORDER DENYING THE REQUEST FOR  
PROTECTIVE ORDER**

NTE CAROLINAS II, LLC, NTE  
SOUTHEAST ELECTRIC COMPANY,  
LLC, and NTE ENERGY, LLC,

Counterclaim Plaintiffs,

v.

DUKE ENERGY PROGRESS, LLC, DUKE  
ENERGY CORPORATION, DUKE  
ENERGY CAROLINAS, LLC,

Counterclaim Defendants.

Pursuant to Local Civil Rules 6.1 and 7.1, Plaintiff/Counter Defendant Duke Energy Carolinas, LLC, together with Counter Defendants Duke Energy Progress, LLC and Duke Energy Corporation (collectively the “Duke Energy Parties” or “Duke”), through its undersigned counsel, hereby move this Court for entry of an order permitting Duke to file under seal an unredacted version of Exhibit E (the “Exhibit”) referenced in the Memorandum in Support of Duke Energy Parties’ Objection and Motion for Reconsideration of the Order Denying Their Request for Protective Order (the “Motion”).

As explained in the Memorandum in Support filed contemporaneously herewith, sealing the Exhibit is appropriate to avoid disclosure of confidential and proprietary information produced by Duke during discovery. There are no alternatives to filing under seal because Defendants contend that the document supports their request to depose Duke Energy Corporation's Chief Executive Officer, Lynn Good, which is the subject of Duke's Motion. Pursuant to Local Civil Rule 6.1(d), an unredacted version of the Exhibit is being submitted to the Court under seal for review in connection with this Motion.

**NON-CONFIDENTIAL DESCRIPTION OF THE EXHIBIT TO BE SEALED**

The material to be filed under seal consists of confidential and proprietary commercial information, including information relating to pricing and contract negotiations, that Duke has designated "Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order on Confidentiality (ECF No. 49) and the Supplemental Protective Order (ECF No. 57).

WHEREFORE, Duke respectfully requests that the Court grant this Motion and allow the document referenced herein to be filed under seal permanently such that it will be shielded from public view.

Respectfully submitted on November 12, 2021.

s/ Jason D. Evans

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Corporation*